


B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (For Court Use Only)		
PLAINTIFFS Anderson Lee Beverly Eliz Lee 957 Railroad Avenue Chesapeake, VA 23324	DEFENDANTS Mortgage Electronic Registration Systems (MERS) nominee for Equifirst Corporation Real Time Resolutions servicer for MERS			
ATTORNEYS (Firm Name, Address, and Telephone No.) Edrie A. Pfeiffer 41791 Hampton Roads Legal Services 2624 Southern Blvd. Suite 101 Virginia Beach, VA 23452 (757) 340-3100 Fax: (757) 340-3149; (757) 351-3819	ATTORNEYS (If Known)			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Complaint to determine extent and validity of lien pursuant to 11 U.S.C. Section 522(f) and 506.				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) - Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) - Validity, Priority or Extent of Lien <input checked="" type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) - Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) - Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) - Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) - Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) - Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) - Injunctive Relief <input type="checkbox"/> 71-Injunctive relief - imposition of stay <input type="checkbox"/> 72-Injunctive relief - other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) - Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) - Validity, Priority or Extent of Lien <input checked="" type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) - Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) - Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) - Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) - Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) - Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) - Injunctive Relief <input type="checkbox"/> 71-Injunctive relief - imposition of stay <input type="checkbox"/> 72-Injunctive relief - other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought: Removal of Lien.				

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Anderson Lee Beverly Eliz Lee		BANKRUPTCY CASE NO. 11-70176
DISTRICT IN WHICH CASE IS PENDING Eastern District of Virginia - Norfolk Division	DIVISION OFFICE Norfolk	NAME OF JUDGE Stephen C. St. John
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)  /s/ Edrie A. Pfeiffer Edrie A. Pfeiffer 41791		
DATE March 8, 2011	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Edrie A. Pfeiffer 41791	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

IN RE: ANDERSON LEE
BEVERLY ELIZ LEE,

Debtors

ANDERSON LEE,
BEVERLY ELIZ LEE,

Plaintiffs,

CASE NO: 11-70176
AP NO.:

v.

Mortgage Electronic Registration Systems ("MERS"), nominee for EquiFirst Corporation, and
Real Time Resolutions, servicer for MERS,

Defendants.

COMPLAINT TO DETERMINE EXTENT AND VALIDITY OF LIEN

NOW COMES the debtor(s), Anderson Lee and Beverly Eliz Lee by and through their Attorney of record, Edrie A. Pfeiffer, Esquire, seeking a determination as to the valuation of their real property pursuant to 11 U.S.C. Section 522 (f); 506 of the Bankruptcy Code and F.R.B.P. 9014 and respectfully represents:

1. That the Debtor's seek a determination that the value of the debtor's encumbered residential real property located at 957 Railroad Avenue, Chesapeake, VA 23324, further described as:

ALL THAT certain lot, piece or parcel of land with the buildings and improvements thereon situate, laying and being in the City of Chesapeake, Virginia, being known, numbered and designated as Lot 101A, as shown on that certain plat entitled "Corrected Plat of Lots 99, 100, 101, 102, Amended Plat Wilmund Place, South Norfolk Borough, Chesapeake, Virginia", which plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia

an appraised value of \$185,000.00.

VSB 41791

2. That said property is encumbered by a first Deed of Trust in favor of Ocwen Loan Servicing, LLC and a second Deed of Trust in favor of EquiFirst Corporation with MERS as nominee. EquiFirst Corporation no longer exists, having gone out of business as of February 20, 2009. Note is serviced by Real Time Resolutions, P.O. Box 35888, Dallas, TX 75235. (See Exhibit A)

3. That said amount claimed by MERS, nominee for EquiFirst Corporation and serviced by Real Time Resolutions, due and owing from the debtor is approximately \$53,378.07.

4. That said amount claimed by Ocwen Loan Servicing, LLC due and owing from the Debtor's is approximately \$193,304.72.

5. That said amounts claimed by Ocwen Loan Servicing, LLC due and owing from the debtor pursuant to their security agreement is an amount greater than the actual value of the collateral.

WHEREFORE the Debtor(s) pray that this Court determine that pursuant to 11 U.S.C. Section 506 and Bankruptcy Rule 3012 that;

(a) Ocwen Loan Servicing, LLC has a secured claim in the amount of \$193,304.72.

(b) MERS, nominee for EquiFirst Corporation and serviced by Real Time Resolutions, has an unsecured claim in the amount of \$53,378.07.

(c) Said lien of Defendant, MERS, nominee for EquiFirst Corporation and serviced by Real Time Resolutions be avoided accordingly.


ANDERSON LEE
BEVERLY ELIZ LEE

BY: 

COUNSEL FOR DEBTOR

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing Motion was mailed to the debtor, U.S. Trustee, Interim Trustee and parties in interest listed at their respective addresses on the attached Service List on March 7, 2011.


Edrie A. Pfeiffer
Counsel for Debtor

2624 Southern Blvd. Suite 101
Virginia Beach, VA 23452
(757)340-3100
VSB 41791

SERVICE LIST

(** Indicates service by certified mail)

Office of the U. S. Trustee
Federal Bldg., Rm. 625
200 Granby Street
Norfolk, VA 23510

R. Clinton Stackhouse, Jr., Trustee
870 Greenbrier Circle
Suite 200
Chesapeake, VA 23320

Anderson and Beverly Lee
957 Railroad Avenue
Chesapeake, VA 23324

Real Time Resolutions
1750 Regal Row, Suite 120
Dallas, TX 75235

Kevin Hubbard ,
(Trustee on Deed of Trust)
709 Greenbrier Parkway
Chesapeake, VA 23320
(Courtesy Notice)

CT Corporation System,
R/A for Real Time Resolutions, Inc.
4701 Cox Rd, Suite 301
Glen Allen, VA 23060-6802

MERS
PO Box 2026
Flint, MI 48051-2026

**

Paul Bognanno
President and CEO
MERS
1818 Library Street, Suite 300
Reston, VA 20190

MILESTONES for 1002001-0011351062-6



Description	Date	Initiating Organization / User	Milestone Information
Transfer Beneficial Rights - Option 2	07/28/2009	<u>1003808</u> Real Time Resolutions, Inc. Zachary Rabinovitz	MIN Status: Active (Registered) New Investor: 1008024 Nimbus 9 Capital L.P Old Investor: 1003229 Barclays Bank PLC Batch Number: 6544798 Transfer Date: 07/28/2009
Transfer Seasoned Servicing Rights	02/18/2009	<u>1002319</u> HomEq Servicing Batch	MIN Status: Active (Registered) New Servicer: 1003808 Real Time Resolutions, Inc. Old Servicer: 1002319 HomEq Servicing Batch Number: 6065758 Sale Date: 02/12/2009 Transfer Date: 02/12/2009
Transfer Beneficial Rights - Option 2	10/27/2007	<u>1002319</u> HomEq Servicing Batch	MIN Status: Active (Registered) New Investor: 1003229 Barclays Bank PLC Old Investor: 1002001 Equifirst Corporation Batch Number: 5018777 Transfer Date: 10/26/2007
Transfer of Flow Servicing Rights	10/09/2007	<u>1002001</u> Equifirst Corporation Stephen Perkin	MIN Status: Active (Registered) New Servicer: 1002319 HomEq Servicing Old Servicer: 1002001 Equifirst Corporation Batch Number: 4968252 Sale Date: 10/04/2007 Transfer Date: 10/04/2007
Registration	02/08/2007	<u>1002001</u> Equifirst Corporation Batch	MIN Status: Active (Registered) Servicer: 1002001 Equifirst Corporation

Loan origination